



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

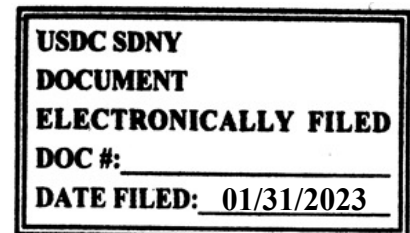
THE CITY OF NEW YORK
LAW DEPARTMENT
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January 30, 2023

VIA ECF

Hon. Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Flores v. City of New York, et al.,
21 Civ. 1680 (PGG) (KHP)

MEMO ENDORSED

Your Honor:

I am the Assistant Corporation Counsel assigned to represent defendant the City of New York in the above-referenced matter. The City writes to respectfully request that the Court adjourn the telephonic case management conference scheduled for February 1, 2023 at 10:00 a.m., to another date and time in February.

By way of background, on November 3, 2022, the parties attended an initial case management conference. (See ECF No. 91). On November 14, 2022, Your Honor issued a Scheduling Order instructing the parties to attend another telephonic case management conference on February 1, 2023. (ECF No. 92). Consistent with the Court's instructions (see id.), on November 14, 2022, the undersigned forwarded a copy of the Court's Order to Cocksackie Correctional Facility, and requested that plaintiff be made available for the conference on February 1, 2023.

On January 30, 2023, the undersigned contacted Cocksackie Correctional Facility to confirm that arrangements had been made to produce plaintiff for this week's conference. However, the undersigned was informed that plaintiff was transferred to a different facility, Wende Correctional Facility, in December 2022.¹ Thereafter, the undersigned was further informed by Wende Correctional Facility that plaintiff could not be made available for the conference on February 1, 2023.

In light of the foregoing, the City respectfully requests that the Court adjourn the telephonic case management conference scheduled for February 1, 2023, to another date and

¹ There is no indication of any transfer on the civil docket sheet.

time in February that is convenient for the Court. In the event that the case management conference is adjourned to a date after February 13, 2023, the City further respectfully requests that the Court enlarge defendants' deadline to file an Answer to the Second Amended Complaint, to accommodate discussion with the Court regarding this Office's efforts to assume representation of the remaining individual defendants, in advance of their collective deadline to respond (see ECF Nos. 97, 98).

The City thanks the Court for its time and consideration of this matter.

Respectfully submitted,

Andrew B. Spears /s
Andrew B. Spears
Assistant Corporation Counsel
Special Federal Litigation Division

cc: VIA U.S. MAIL
Gabriel Flores
DIN#21A2109
Wende Correctional Facility
3040 Wende Road
Alden, NY 14004

APPLICATION GRANTED: The telephonic Case Management Conference in this matter scheduled for Wednesday, February 1, 2023 at 10:00 a.m. is hereby rescheduled to Monday, March 27, 2023 at 11:00 a.m. It is hereby ORDERED that the Warden or other official in charge of the Wende Correctional Facility produce plaintiff Gabriel Flores., DIN# 21A2109/B&C# 4411905826, on Monday, March 27, 2023 at 11:00 a.m., to a suitable location within Wende Correctional Facility that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234. Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the Wende Correctional Facility to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date; and (3) telephone Judge Parker's teleconference line at (866) 434-5269, Access code: 4858267, with the plaintiff on the line, at the time and date of the conference. The Clerk of Court is requested to mail a copy of this order to the plaintiff.

APPLICATION GRANTED

Katharine H. Parker
Hon. Katharine H. Parker, U.S.M.J.